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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SIOSIFA POUILIEVA LAVULAVU,

Defendant.

Case No. 2:22mj102-DAO

COMPLAINT

COUNT I: 18 U.S.C. § 922(a)(1)(A)
Dealing in Firearms Without a License

Magistrate Judge Daphne A. Oberg

Before the Honorable Daphne A. Oberg, United States Magistrate Court Judge for the
District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT I

18 U.S.C. § 922(a)(1)(A)
(Dealing in Firearms Without a License)

Between the dates of approximately February 1, 2020, and January 21, 2022, in the District
of Utah,

SIOSIFA POUILIEVA LAVULAVU,

defendant herein, not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18,
United States Code, did willfully engage in the business of dealing in firearms;
All in violation of 18 U.S.C. Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

This complaint is made on the basis of investigation consisting of the following:

AGENT BACKGROUND

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been employed since July of 2019. I am a graduate of the Criminal Investigator Training Program and ATF Special Agent Basic Training program held at the Federal Law Enforcement Training Center in Glynco, Georgia. I have received specialized training in the enforcement of federal firearm and explosive laws. My duties and responsibilities include participating in the investigation and prosecution of persons who violate federal firearm laws and related federal criminal laws. As an ATF SA, I have participated in the investigation of persons who have violated federal laws. The majority of these investigations involved firearms and/or narcotics-related violations. Pursuant to 18 U.S.C. § 3051, I am empowered to enforce criminal laws of the United States. As a result of my training and experience as an ATF SA, I am familiar with federal laws, including but not limited to the offenses listed above

2. Prior to my employment by the ATF, I was a Uniformed Division Officer-Technician with the United States Secret Service for approximately 10 years.

3. I am familiar with the facts and circumstances set forth herein as a result of my personal participation in this investigation, as well as my review of official reports and records and conversations with other law enforcement officers as more fully described below. The facts in this affidavit come from my personal observations, my specialized training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested

warrant and does not set forth all of my knowledge about this matter.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that **SIOSIFA POUILIEVA LAVULAVU** has violated 18 U.S.C. § 922(a)(1)(A), Dealing in Firearms Without a License.

STATEMENT OF PROBABLE CAUSE

5. In October of 2021, ATF received information from a local Federal Firearms License (FFL) in American Fork, UT regarding an individual identified as Vainiak Magic NAA (hereinafter NAA), who purchased a large and suspicious number of firearms in a short time frame.

6. ATF agents investigated this report through the use of queries in e-Trace, a database that allows law enforcement to track gun histories including the purchase and potential movement of firearms using serial numbers or other identifiers, and also through the collection of ATF forms from multiple FFLs. These materials revealed that NAA has purchased a significant number of firearms from 2019-2022. As of February 15, 2022, at least ninety-five (95) firearms are known to have been purchased by NAA from FFLs in Utah. The aforementioned ninety-five (95) firearms were purchased between March 1, 2020, and February 15, 2022, except one firearm that was purchased in September, 2019.

7. On all the required ATF forms (4473), that NAA filled out in relation to the purchases of these firearms, NAA wrote the answer “Yes” for questions 11a, “Are you the actual buyer of the firearm (s) listed on the form?”

8. E-trace also revealed that eight (8) firearms purchased by NAA were found and recovered in criminal investigations, with seven (7) being found in California and one (1) in Utah. All of these recovered guns were associated with criminal activity.

9. The time to crime (time between the gun's purchase and when the gun was found in relation to a crime) for the firearms were 14 days, 34 days, 74 days, 84 days, 98 days, 193 days, 245 days and 330 days. ATF trace analysis has consistently shown that trafficked firearms usually have a time to crime to less than 12 months.

10. On October 8, 2021, an ATF Intelligence Research Specialist provided your affiant with Utah employment wage data for NAA. NAA's most recent reported wage data was for the first three quarters of the year 2021 was \$15,584. NAA's combined reported wage data for 2020 was \$33,642. Based on my training and experience, I believe that a conservative estimate for the cost of the ninety-five (95) firearms purchased by NAA between March 1, 2020, and January 15, 2022, is approximately \$50,000.00. From my training and experience and based upon the amount of money NAA earned, it strongly infers NAA is not purchasing for himself and is fulfilling orders for firearms placed by another person(s).

11. From my training and experience related to other firearm trafficking cases, organizations who live in areas with more strict firearms laws like California seek individuals who reside in other states to assist them in the acquisition and/or transporting of firearms. From my training and experience and based upon the factor stated above, firearms typically sell for more money in California. From my training and experience in firearm trafficking cases, leaders of the organization seek out individuals who do not have criminal histories to assist in the acquisition of firearms for others who are restricted from possessing.

12. On January 21, 2022 ATF agents conducted a federal search warrant at NAA's residence and arrested NAA. Pursuant to the arrest, ATF agents seized NAA's cell

phone. On January 25, 2022, ATF obtained a federal search warrant (2:22-mj-00044 CMR) for NAA's cell phone from Honorable United States Magistrate Judge Cecilia M. Romero. On January 25, 2022, an ATF Digital Media Collection Specialist conducted a digital forensic extraction for NAA's cell phone. The following is an analysis of the findings from the aforementioned extraction.

13. A query through NAA's cell phone text messages revealed discussions with an individual identified as **Siosifa Lavulavu**. A query through Federal Firearms License (FFLS) and National Firearms Act (NFA) database revealed Lavulavu does not have an FFL license or any NFA firearms registered to him. A query through Utah data wage revealed Lavulavu earned approximately \$17,080 dollars for 2021. A query of Lavulavu's criminal history revealed one incident in 1998 where Lavulavu received a misdemeanor conviction for False ID to Police in Utah. In addition, Lavulavu was convicted of a misdemeanor in 1995 for criminal trespassing in Phoenix, Arizona. A query through Instant Background Check Referral (ANR) revealed Lavulavu was denied from purchasing a firearm on 5/25/2016 in Phoenix, AZ for Lavulavu having an active warrant in Arizona.

14. "Sifa Lavulavu" was the listed name under NAA's phone with the cell phone number of 801-874-8385. Through analyzing the conversations between NAA and Lavulavu, it shows Lavulavu telling NAA to purchase certain types of firearms, telling NAA he needs a certain number of firearms as soon as possible, asking NAA to find sales on various pistols (Springfield XD's, Glocks, Fabrique Nationale d'Armes de Guerre (FN)) and telling NAA there are certain firearms at stores Lavulavu needs NAA to buy. These conversations range from approximately January 2020 to November, 2021. Below are a few specific examples of conversations between NAA and Lavulavu:

a. September 14th

- i. LAVULAVU: "Wya"
- ii. NAA: "home"
- iii. LAVULAVU: "Come by let's go get couple? FN and cloc"
- iv. NAA: "yup" "On my way"
- v. LAVULAVU: "I'm gonna give you 1800 will that work?"
- vi. LAVULAVU: "Fn and one pistol cloc"
- vii. NAA: "should be"
- viii. LAVULAVU: "I will pay your fees as well"
- ix. LAVULAVU: sent pictures of hundred-dollar bills.
- x. NAA: "got it"
- xi. LAVULAVU: "ok"
- xii. NAA: "43x or 19."
- xiii. LAVULAVU: "?"
- xiv. NAA: "nvm" "I to the 43x instead"
- xv. LAVULAVU: "what 43?"
- xvi. NAA: "it's a small gloc"
- xvii. LAVULAVU: "19 is better"
- xviii. NAA: "u sure.?"
- xix. LAVULAVU: "you right 43"
- xx. NAA: "last time they wanted more 43x cuz its smaller to hide" "hahaha"
- xxi. NAA: Sent a picture of SCHEELS credit card machine for 1- Five-Seven 5.7x28mm \$1,099.99, 1- G43X 9mm FS slide 10rd \$529.99, balance due: \$1,748.15
- xxii. NAA: "lol" "I got one for u" "haha"
- xxiii. LAVULAVU: "I got your cash I'll be home 45 min"

b. Wednesday September 15th

- i. NAA: "did u wna try to get some xds?"
- ii. LAVULAVU: "yes"
- iii. NAA: "CAL ranch closes at 9" "if u wna chec it out"
- iv. LAVULAVU: "yes" when I leave here I'm gonna hit you up" "on my way! Home"
- v. LAVULAVU: "We still gonna hit cal ranch?"
- vi. NAA: "meet me there.?" "pullin up to birds"
- vii. LAVULAVU: "ok" "on my way"
- viii. NAA: "me too" "im here"
- ix. LAVULAVU: "passing the police station" "Here"
- x. NAA: "im inside" "in the bac"
- xi. LAVULAVU: "ok"

- xii. **NAA:** sent a picture of the credit card machine for a sale of \$1,104.65, tax \$74.67.
- xiii. **NAA:** “found another FN.” “lmk”
- xiv. **LAVULAVU:** “Let’e get it we getting 4 total today”
- xv. **NAA:** “yupz..”
- xvi. **NAA:** FN, XD, Gloc..”
- xvii. **LAVULAVU:** “ok”
- xviii. **NAA:** “no 10mm...so I got a gloc 23” “I mean 27”
- xix. **LAVULAVU:** “yup”
- xx. **NAA:** “good thing we came with extras” “taxes hit”
- xxi. **LAVULAVU:** “What was the total?”
- xxii. **NAA:** “2305” “hahaha”
- xxiii. **LAVULAVU:** “I can give you the difference”
- xxiv. **NAA:** “Brand new, in box. \$3600 for the don’t ask don’t tell price. He has these on hand. So which ever 5 you want. May abel to get tomorrow night. Need cash upfront.
 - o 3- 43 (not 43x) 2 mags 6+1 plastic case
 - o 2- 26 Gen 3 2mags 10+1 plastic case
 - o 2- 17 gen 3 2mags 17+1 plastic case
 - o 1- 23 gen5 3 mags 13+1 plastic case (I need to verify if this one new)
 - o 2or3- 19 gen 3 2mags 15+1 plastic case
 - o His partner has the 1- g20
 - o Lmk what u think
- xxv. **LAVULAVU:** “Call me when you get chance confused on the quantity”
- xxvi. **NAA:** “u get to pic 5 out of this list” “all glocs”
- xxvii. **LAVULAVU:** “Total of 11 they have right now? But we can only pick 5”
- xxviii. **NAA:** “yea..this is for the no papers” “hahaha” “if not we keep doin what we doin”
- xxix. **LAVULAVU:** “6+1 plastic case mean?”
- xxx. **NAA:** “it holds 7 in the clip..plastic case it comes wit a case” “all brand new”
- xxxi. **LAVULAVU:** “They only selling 5, but the list shows they have 11 total am I right?”
- xxxii. **NAA:** “yea..so u can whichever 5 u want out of the 11”
- xxxiii. **LAVULAVU:** “will 11 be cheaper?” “Let me know on 11 what the price gonna be” “Honestly buying them single at the store is cheaper they gotta give us better deal” “We will by 11 every 2weeks if his number is fair”
- xxxiv. **NAA:** “lol” “let me chec..”
- xxxv. **LAVULAVU:** “No ghost guns right”

c. October 28, 2021:

- i. **NAA:** “how many did u wna get today”

- ii. **LAVULAVU:** “One under \$600 with your fee for sure. They only looking for mirco’s now”

I should be noted that on October 28, 2021, Lavulavu transferred NAA \$600.00 dollars via Venmo.

d. November 1, 2021:

- i. **LAVULAVU:** “You available this week gotta grab 20”
- ii. **NAA:** “wen.?”
- iii. **LAVULAVU:** “Starting tomorrow afternoon”
- iv. **NAA:** “yupz”
- v. **NAA:** “should be done early”
- vi. **NAA:** “wut we getting.?”
- vii. **LAVULAVU:** “Ok”
- viii. **LAVULAVU:** “Compacts 9mm 40’s”
- ix. **NAA:** “yupz”
- x. **NAA:** “brand.?”
- xi. **LAVULAVU:** “Glock or xd”
- xii. **NAA:** “yup”
- xiii. **LAVULAVU:** “Only 40’s and 45 compacts MMP smith and Wesson Glocks or xd”
- xiv. **LAVULAVU:** “They need 2 clips for everything we purchase buyers getting picky”

e. November 6, 2021

- i. **LAVULAVU:** “What time do you want to go to gun show”
- ii. **LAVULAVU:** “ I’m here gun show”
- iii. **LAVULAVU:** “Wake up big dawg”
- iv. **NAA:** “stupid ass red magic”
- v. **NAA:** “ smh”
- vi. **NAA:** “u over there?”
- vii. **NAA:** Drop a pin
- viii. **LAVULAVU:** Lavulavu sent a picture at the gun show, a pin drop of his location, and a picture of a ticket
- ix. **LAVULAVU:** “I got you a ticket”
- x. **NAA:** “They got good prices.?”
- xi. **LAVULAVU:** Lavulavu sent Naa a picture of a couple of Glock pistols
- xii. **LAVULAVU:** Real good deals”
- xiii. **NAA:** “on my way!”
- xiv. **LAVULAVU:** “9mm and 40’s”
- xv. **NAA:** “no smith&wesson.?”
- xvi. **LAVULAVU:** “Yes that’s good”

- xvii. NAA: “ruger.?”
- xviii. LAVULAVU: “No”
- xix. LAVULAVU: “Ruger is good aswell”
- xx. NAA: “are my fees in this envelope.?”
- xxi. LAVULAVU: “No I have that separate”
- xxii. NAA: “yupz”
- xxiii. NAA: “no chec plz”
- xxiv. NAA: “lol”
- xxv. LAVULAVU: “Yups my check is legit”
- xxvi. NAA: “wya.?”
- xxvii. NAA: “im outside”
- xxviii. NAA: “ the change was 3 but that was from the load on thurs”
- xxix. LAVULAVU: “Ok”
- xxx. LAVULAVU: “Total fee \$800”

f. November 7, 2021

- i. NAA: “wut did u wna get today.?”
- ii. NAA: “no small ones.?”
- iii. LAVULAVU: “For me scorpion, and Mack 10”
- iv. LAVULAVU: “I will take care of your fees”
- v. LAVULAVU: “And maybe some small ones”
- vi. LAVULAVU: “Im gonna try to get 5 today lol”
- vii. NAA: “lol”
- viii. NAA: “lmk”
- ix. LAVULAVU: “Mack 10 is here”
- x. NAA: “pay wit venmo.?”
- xi. LAVULAVU: “Yes”
- xii. NAA: A SwipeSimple Alert. \$588.80 purchase from Fortress Precision with attached Receipt.

It should be noted on November 7, 2021, Lavulavu transferred NAA \$1,000 dollars via Venmo. From the collection of ATF form 4473s and queries of multiple sales reports from etrace, on November 7, 2021, NAA purchased four firearms from two different FFLs, two CZ 9mm caliber pistols from FFL Country Boy Ammo LLC and two Glocks (model 43x and model 23) from FFL MPC Tactical Inc.

- 15. In addition to the text messages from NAA and Lavulavu, SA Nicolio

queried NAA's Venmo application and discovered multiple transfers of money from Lavulavu to NAA. The name on the account used to transfer money to NAA's Venmo account is listed as Siosifa Lavalava with the handle of @siosifa-lavulavu. From approximately February 2020 to December 2021, there are approximately nineteen money transfers totaling approximately \$16,196 dollars that appear to be used to facilitate the purchase of firearms and ammunition. Below are a few examples of Lavulavu sending money to NAA and on that same day, NAA would use that money to purchase firearms from different FFLs:

- a. On September 16, 2021, Lavulavu sent NAA \$1,800 dollars via Venmo to NAA. On September 16, 2021, NAA conducted a transaction for \$1,530.07 dollars at FFL Xtreme Pawn. From the collection of ATF form 4473s and queries of multiple sales reports from etrace, on September 16, 2021, NAA purchased three firearms (Glock model 43, Glock Model 22, and a Springfield model XDM) from FFL Xtreme Pawn.
- b. On September 23, 2021, Lavulavu sent NAA \$1,700 dollars via Venmo to NAA. On September 23, 2021, NAA withdrew from his Venmo account \$1,700 dollars. From the collection of ATF form 4473s and queries of multiple sales reports from etrace, on September 23, 2021, NAA purchased three firearms (Glock model 19, Glock model 23, and Glock model 45) from FFL Davidson Defense Inc. The next day on September 24, 2021, Lavulavu sent NAA \$300.00 dollars via Venmo.
- c. On September 25, 2021 Lavulavu sent two separate transactions to NAA via Venmo, one transfer for \$600.00 dollars and the second transfer for \$1,500 dollars. On September 25, 2021, NAA conducted a transaction for \$1,683.79 at FFL Cal Ranch. From the collection of ATF form 4473s and queries of multiple sales reports from etrace, on September 25, 2021, NAA purchased three firearms (Glock model 43x, Glock model 43x, and Glock model 19Gen5) from FFL Cal Ranch.
- d. On October 1, 2021, Lavulavu sent NAA two separate transactions to NAA via Venmo, one transfer for \$1,800 dollars and the second transfer for \$500.00 dollars. On October 1, 2021, NAA conducted a transaction at FFL Cal Ranch

for \$2,037.70. From the collection of ATF form 4473s and queries of multiple sales reports from etrace, on October 1, 2021, NAA purchased five firearms (All Springfield model XDS MOD 2, .45 caliber) from FFL Cal Ranch.

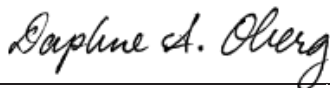
- e. On October 12, 2021, Lavulavu sent two separate transactions to NAA via Venmo, one transfer for \$1,800 dollars and the second transfer for \$500.00 dollars. On October 12, 2021, NAA conducted a transaction at FFL Cal Ranch for \$1,930.46. From the collection of ATF form 4473s and queries of multiple sales reports from etrace, on October 12, 2021, NAA purchased four firearms (Springfield model XD9, Springfield model XD SC, and two Springfield model XDE) from FFL Cal Ranch.

16. Based upon the totality of all the facts from the text messages between Lavulavu and NAA, the fact LAVULAVU is directing NAA to purchase firearms and is transferring money to NAA for firearms purchases, the discovery of multiple firearms during subsequent criminal investigations and the finding of these firearms in crimes in California, and the times to crimes periods noted above, ATF believes there is probable cause that Lavulavu is engaging in firearms trafficking, in violation of 18 U.S.C. § 922(a)(1)(A), *Dealing in Firearms Without a License*.

SEAN NICOLIO Digitally signed by SEAN NICOLIO
Date: 2022.02.16 13:15:58 -07'00'

Special Agent Sean Nicolio - ATF

Subscribed and sworn to by reliable electronic means on this 16th day of February 2022.



Daphne A. Oberg
United States Magistrate Court Judge

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APPROVED AS TO FORM:

ANDREA T. MARTINEZ
United States Attorney

/s/ Jamie Z. Thomas
JAMIE Z. THOMAS
Assistant United States Attorney